

SPEECH OF MR. ERSKINE,

In the Case of the KING v. WILLIAMS,

On an Indictment for publishing

PAINE'S AGE OF REASON.

MR. ERSKINE, as Counsel for the Prosecution, began a long and comprehensive speech, by stating, that not having the honour to be sworn as Counsel for the King, it had much oftener fallen to his lot to defend indictments for libels than to assist in the prosecution of them: that nevertheless he felt no embarrassment from the recollection of his former and frequent duties; the principles which he had always laid down in defending others, he should rigidly adhere to in the prosecution of this Defendant. The Liberty of the Press was of the highest importance to mankind. Its liberal and unlicensed freedom had led to all the blessings both of Religion and Government which Great-Britain enjoyed, and indeed a Free Press never could exist any where without (subject to the laborious process of all human improvements) bringing the world to a higher pitch of civilization and happiness.

Mr. ERSKINE then defined the principles and limits of the press, both as they depended upon sound policy, as upon the particular law of England, and cited several authorities, to establish that, though controversial points of divinity might be the legal subject of discussion, and though even profound and complicated reasonings, which in their conclusions might touch many of the tenets of the Christian Church, were admissible, yet that the utter denial of the existence of Christianity, much more a grossly, indecent invective upon the whole of its doctrines, and a mockery of all its evidences, had ever been held to be a high misdemeanor, and punished as a disgraceful, infamous offence.

Mr. ERSKINE said, that though the Law, as he had stated it, and which was settled beyond all question, was enough to bind the consciences of the Jury, yet upon a subject so momentous to the public, he thought it his duty to explain its principles, that the people might feel, that instead of being unjustly bridled by its restraints, and kept in ignorance by its prohibitions, the weak and simple were protected against the artifices of wickedness, whilst all that reason could collect for sincere and enlightened reflection was left open for meditation and controversy. This task Mr. ERSKINE went through at some length, taking at the same time the highest possible grounds in support of the Rights of Juries, and the Liberty of the Press.

[He next proceeded to comment upon each of the passages selected by the Indictment, and exposed their dangerous tendency, as well as their utter repugnancy to every licence of Printers which the Law could possibly tolerate. Towards the conclusion of a long speech, Mr. ERSKINE seemed to be deeply affected with the subject, and we select the following part, as near as we could collect it, because of the strong and visible effect it seemed to have upon the audience and the court.]

Mr. ERSKINE said, that for himself he was devoted to the truths of the Christian Religion, not from the prejudices of education, though he had been religiously educated by the best of parents, but from the reflection of his riper years and understanding; that it was the great consolation of his life; that without it he should consider the long course of his health and prosperity too long and too uninterrupted to be perhaps good for any man, as the dust which the wind scatters, and rather as a snare than as a blessing. He said, that the religious and moral sense of the people of Great-Britain was the great anchor which alone could hold the vessel of the State amidst the storms that agitated the world; and that if he could believe for a moment that the mass of the people were to be debauched from the principles of Religion, which formed the true basis of that humanity, charity, and benevolence, that had been so long the National Characteristic; instead of mixing himself, as he sometimes had done, in political reformations, he would rather retire to the uttermost corners of the earth to avoid their agitation, and would bear not only the imperfections and abuses complained of in our own wife establishment, but even the worst Government that ever existed in the world, rather than go to the work of reformation with a multitude set free from all the restraints and duties, and disrobed of all the charities of Christianity, who had no sense of God's existence but from Mr. Paine's observation of nature, which the mass of mankind had no leisure to contemplate, nor any belief of future rewards and punishments to animate the good in the glorious pursuit of human happiness, nor to deter the wicked from destroying it even in its birth. But he knew the People of England better—they were a religious People, and with the blessing of God, as far as was in his power, he would lend his aid to keep them so. He had no objections to the freest and most extended discussions upon doctrinal points of the Christian Religion, and though the Law of England did not permit it, he should not dread the reasoned arguments of Deists against the existence of Christianity itself, because, as was said by its Divine Author, if it was of God, it would stand. An intellectual book, however erroneous, addressed to the intellectual world, upon so profound and complicated a subject, could never work the mischief which this Indictment was calculated to repress. Such works would only employ the minds of men enlightened by study to a deeper investigation of a subject well worthy of their deepest and continued contemplation. The powers of the human mind were given for human improvement and refinement in the awful and mysterious career of human existence. The changes produced by such reciprocations of lights and intelligencies, were certain in their progression, and made their way imperceptibly, as conviction came upon the world by the final and irresistible power of truth. If Christianity be founded in falsehood, let us become Deists in this manner, and he was contented. But this Book had no such object, and no such capacity. It presented no arguments to the wise and enlightened. On the contrary, it treated the faith and opinions of the wisest with the most shocking contempt, and stirred up men, without the advantages of learning, to a total and absolute disbelief of every thing hitherto held sacred; and consequently to a rejection of all the laws and ordinances of the State, which stood only upon the assumption of their truth. If this were to be permitted, how, in God's name, was the justice of the Country to be administered? Why should he submit to the authority of the Court, or address twelve of his equals, as he was then addressing the Jury, to pass sentence upon their neighbour? Under what sanctions, he asked, were the witnesses to give their testimony? and he might even ask the King himself, by what authority he could command the execution of the sentence. The whole judicial fabric was built upon the solemn oaths of every one of its Members to administer justice, as God should help them hereafter. What God? that God undoubtedly, who had commanded Kings to rule, and Judges to judge in justice; who had forbidden men from false testimony against their neighbours, and who had enforced these commandments by the revelations of the unutterable blessings which should attend their observance, and the awful punishments which should await their transgressions.

Mr. ERSKINE said, that the Book appeared to him to be as cruel and mischievous in its effects, as it was illegal in its principles. The poor, whom it affected to pity, were stabbed to the heart by it; they had more need of consolations beyond the grave, than those who had greater comforts to render life delightful. He could conceive an humble, innocent and virtuous man, surrounded with children looking up to him for bread which he had not to give them, sinking under the last day's labour, and unequal to the next, yet still looking up with confidence to the hour when all tears should be wiped from the eyes of affliction, and bearing the burthen which he believed his Creator had laid upon him for

good in the mysterious dispensations of a Providence which he adored. What a change in such a mind might not be wrought by this merciless publication!

But it seems this was an Age of Reason, and the time and the person were arrived that were to dissipate the errors which had overspread the past generation of ignorance. The Believers in Christianity were many; but it belonged to the few that were wise to correct their credulity. Belief was an act of reason; and superior reason might therefore dictate to the weak. In running the mind along the long list of sincere and devout Christians, he could not help lamenting that Newton had not lived to this day, to have had his shallowness filled up with this new flood of light. But the subject was too awful for irony; he would speak plainly and directly:—Newton was a Christian; Newton, whose mind had burst from the fetters cast by nature upon our finite conceptions; Newton, whose science was truth, and the foundation of whose knowledge of it was philosophy—not those visionary and arrogant presumptions which too often usurped its name, but philosophy resting upon the basis of mathematics, which, like figures, could not lie: Newton, who carried the line and rule to the uttermost barriers of creation, and explored the principles by which, no doubt, all created matter was held together and exists. But this extraordinary man, in the mighty reach of his mind, overlooked perhaps the errors which a minuter investigation of the created things on this earth might have taught him of the essence of his Creator. What should then be said of the great Mr. Boyle, who looked into the organic structure of all matter, even to the brute, inanimate substance which the foot treads on? such a man might be supposed to be equally qualified with Mr. Paine to look up through Nature to Nature's God. But the result of all his contemplation was the most confirmed and devout belief in all which the other holds in contempt, as despicable and drivelling superstition.

But this error might perhaps arise from a want of due attention to the foundations of human judgment, and the structure of that understanding which God has given us for the investigation of truth. Let that question be answered by Mr. Locke, who was, to the highest pitch of devotion and adoration, a Christian. Mr. Locke, whose office was to detect the errors of thinking, by going up to the fountains of thought, and to direct into the proper tract of reasoning the devious mind of man, by shewing him its whole process, from the first perceptions of sense to the last conclusions of ratiocination, putting a rein besides upon false opinion, by practical rules for the conduct of human judgment.

But these men were only deep thinkers, and lived in their closets, unaccustomed to the traffic of the world, and to the laws which practically regulate mankind.

Gentlemen, in the place where we now sit to administer the justice of this great Country, above a Century ago the never to be forgotten Sir Matthew Hale presided, whose faith in Christianity is an exalted commentary upon its truth and reason, and whose life was a glorious example of its sweets, administering human justice with a wisdom and purity, drawn from the pure fountain of the Christian dispensation, which has been, and will be in all ages, a subject of the highest reverence and admiration.

But it is said by the Author, that the Christian Fable is but the tale of the more ancient superstitions of the world, and may be easily detected by a proper understanding of the mythologies of the Heathens. Did Milton understand those mythologies? Was he less versed than Mr. Paine in the superstitions of the world? No, they were the subject of his immortal song—and though shut out from all recurrence to them, he poured them forth from the stores of a memory rich with all that men ever knew, and laid them in their order as the illustration of that real and exalted Faith, the unquestionable source of that fervid Genius, which cast a sort of shade upon all the other works of man—

He passed the bounds of flaming space
Where Angels tremble while they gaze,
He saw, till blasted with excess of light
Closed his eyes in endless night.

But it was the light of the body only that was extinguished; "the celestial light shone inward, and enabled him to vindicate the ways of God to Man". The result of his thinking was nevertheless not the same as the author's. The mysterious incarnation of our blessed Saviour, which this work blasphemed in words so wholly unfit for the mouth of a Christian, or for the ear of a Court of Justice, that he durst not, and would not, give them utterance, MILTON made the grand conclusion of the Paradise Lost, the rest from his finished labours, and the ultimate hope, expectation, and glory of the world—

A Virgin is his Mother,
But his Sire the power of the Most High;
He shall ascend the Throne hereditary,
And bound his reign with Earth's wide bounds,
His glory with the Heavens.

Mr. KYD then made an able defence for the Defendant, to which Mr. ERSKINE replied at considerable length; and taking for example several of the passages in the Bible selected by Mr. KYD, explained the reason of their introduction into Scripture. He said the history of man was a history of man's vices and passions. His vices and passions could not be rebuked without adverting to their existence; and many of the instances selected were recorded as memorable warnings and examples to mankind for their instruction. The Jewish history was, besides, in many parts, connected with that stupendous scheme of prophecy which formed one of the most unanswerable arguments for the truths of Christianity. It was not the purpose of God to destroy free agency by overpowering the human mind with the irresistible light and conviction of revelation, but to leave men to collect its truths, as they were gradually illustrated in the accomplishment of the divine promises of the Gospel. He declared, that bred as he was to the consideration of evidence, he considered the prophecy concerning the destruction of the Jewish nation to be, even if there were nothing else to support Christianity, absolutely irresistible.—The Jews themselves did not deny the existence of the prophecies, and their very history was not accountable for on any human principle. Their separation into tribes, to preserve the genealogy of Christ; the distinction of the tribe of Judah, from which he was to come; the fall of that distinction, when that end was accomplished; the predicted departure of the sceptre from Israel; the destruction of the Temple which Imperial munificence in vain attempted to rebuild to disgrace the prophecy; the scattering of this nation over the face of the whole earth; the spreading of the Gospel throughout the world; the persecutions of its true ministers, and the foretold superstitions which had for age defiled its worship, were facts which no man could by argument do away, and which certainly no Christian State ought to tolerate a man in the impudent mockery of without any argument at all.

Mr. ERSKINE spoke with high respect of Bishop Watson, and also of Mr. Mackintosh, and concluded with a vindication of the learned and pious authors of the prosecution, who were entitled to the public gratitude for their exertions in the cause of Religion and Virtue.